

CAUSE NO. 03-18-00153-CV

IN THE COURT OF APPEALS FOR THE THIRD DISTRICT
OF TEXAS AT AUSTIN

FILED IN
3rd COURT OF APPEALS
AUSTIN, TEXAS
6/3/2019 2:43:51 PM
JEFFREY D. KYLE
Clerk

TEXAS DEPARTMENT OF TRANSPORTATION,
Appellant,

V.

ALBERT LARA, JR.
Appellee.

**OPPOSED MOTION OF TEXAS DEPARTMENT OF TRANSPORTATION
FOR EXTENSION OF TIME FOR FILING A MOTION FOR REHEARING**

TO THE HONORABLE COURT OF APPEALS:

Appellant, the Texas Department of Transportation (TxDOT), presents this motion pursuant to Rules 10.5 (b) and 49.8 of the Texas Rules of Appellate Procedure and respectfully moves the court for extension of time to file Appellant's Motion for Rehearing. As grounds for this motion, TxDOT would respectfully show the Court the following:

1. An opinion was issued by this Court on May 9, 2019;
2. The deadline for Motion for Rehearing was May 24, 2019. Pursuant to Texas Rules of Appellate Procedure 49.8, the court of appeals may extend the time for

filing a motion for rehearing if a motion for extension is filed no later than 15 days after the last date for filing the motion, which is June 10, 2019;

3. Appellant requests an extension of time to file a motion for rehearing until June 10, 2019, which is 17 days after the current due date of May 24, 2019;

4. This is Appellant's first request for extension of time to file a motion for rehearing;

5. Appellant needs an extension of time to file its motion for rehearing because time constraints on appellate counsel Amy K. Owens made it impossible to complete a motion for rehearing by May 24, 2019. Counsel had to submit the matter for internal review within counsel's office regarding further appellate proceedings. Also, appellate counsel, in addition to routine duties, has had to make substantial time commitments to the following:

a. attending a Special Commissioners' Hearing in *State v. McLalani, Inc.*, Cause No. CV51088, Condemnation Proceeding filed in the 329th Judicial District Court in Wharton County, Texas;

b. attending a Special Commissioners' Hearing in *State v. Lalani, Inc.*, Cause No. CV51079, Condemnation Proceeding filed in the 23rd Judicial District Court in Wharton County, Texas;

c. preparing and submitting three separate positions statements in response to EEOC charges filed;

d. preparing for trial and discovery production with a mediation date of June 19, 2019 in *State v. Strategic Housing Finance Corporation*, Condemnation Proceeding filed in the County Court at Law No. 2 of Travis County, Texas.

For these reasons, TxDOT respectfully requests that the Court grant an extension for filing Appellant's Motion for Rehearing until Monday, June 10, 2019.

Respectfully submitted,

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/s/ Amy K. Owens
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ATTORNEYS FOR APPELLANT,
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TRANSPORTATION

CERTIFICATE OF CONFERENCE

I certify that on May 31, 2019, I conferred with Joel Shields regarding the Motion for Extension of Time. On May 31, 2019, Joel Shields indicated that he was opposed to this motion.

/s/ Amy K. Owens
AMY KOVAR OWENS
Assistant Attorney General

CERTIFICATE OF SERVICE

I certify that on the 3rd day of June, 2019, I served a copy of this *Opposed Motion of Texas Department of Transportation for Extension of Time to File Appellant's Motion for Rehearing* on the following parties in accordance with the Texas Rules of Appellate Procedure:

Via Electronic Service and E-mail

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